

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY PUBLIC SERVICE COMMISSION	)	
	)	
VS.	)	CASE NO. 8810
	)	
THELMA ACTIVITIES, INC.	)	

O R D E R

On April 8, 1982, the Commission received a letter from Mr. Kenneth L. Hardy, Thelma, Kentucky, concerning a sewage bill increase and a change of ownership of Thelma Activities, Inc. ("Thelma").

By letter dated April 13, 1982, the Commission forwarded a copy of Mr. Hardy's letter to Mr. Robert Trimble, the President and Chief Executive Officer of Thelma, requesting a response by May 14, 1982. No response was received to the April 13th letter nor to subsequent letters dated June 18 and October 21, 1982, and the matter was set for hearing on May 5, 1983.

A hearing was held in the offices of the Commission in Frankfort, Kentucky, on May 5, 1983, and all parties of interest were given an opportunity to be heard.

Commentary

Due to a serious illness and surgery, Mr. Robert Trimble was represented at the hearing by his son, Mr. David Trimble. The conveyance of ownership from father to son is under negotiation. A prior conveyance which occurred about March 29, 1982, was from

Mr. Arlen Ferguson to Mr. Robert Trimble. This Commission's approval of the 1982 conveyance was neither sought nor obtained by either party thereto.

The monthly rate for a single-family dwelling was increased from \$5.50 to \$12.50 per month on February 1, 1982, by Mr. Robert Trimble. The Commission's approval of this increase in rates to Thelma's customers was neither sought nor obtained before the rate was changed by Mr. Trimble.

Thelma provides service to 92 residential dwellings of which 48 are apartments and 44 are single-family residences.

#### Opinion and Order

1. Thelma is a public utility subject to the statutes and regulations enforceable by this Commission.

2. The only rates that can lawfully be charged by Thelma are those that have been approved by this Commission. The lawful rate for single-family dwellings is \$5.50 per month in accordance with Thelma's approved tariff dated January 1, 1975, and should be the rate being charged by Thelma.

3. The \$12.50 monthly rate for single-family dwellings being charged by Thelma has not been approved by this Commission and is not a lawful rate for the services rendered by Thelma.

4. A tabulation should be made of the collections realized from the \$12.50 rate and the collections that would have been realized from the \$5.50 rate. The difference in these amounts should be refunded to the parties from whom the \$12.50 rate was collected regardless of the parties' present home addresses.

5. Thelma should file with this Commission its plan for making the refunds defined by finding number 4 herein within 30 days of the date of this Order. This plan should list the names and addresses of all parties that are due a refund, the amount of the refund due each party listed and the date scheduled for completion of each refund. The plan should provide for the completion of all refunds within 90 days of the date of this Order.

6. Thelma should, within 30 days of the date of this Order, file with this Commission a copy of the Agreement that sets out the terms of the conveyance of Thelma to Mr. Robert Trimble by Mr. Arlen Ferguson.


IT IS THEREFORE ORDERED that no rate for single-family dwellings other than the \$5.50 rate on file with this Commission shall be charged for the services rendered by Thelma until the approval of a different rate has been granted by this Commission.

IT IS FURTHER ORDERED that Thelma shall, within 30 days of the date of this Order, file with this Commission a copy of its plan for making refunds to its customers as defined by findings number 4 and 5 herein.

IT IS FURTHER ORDERED that Thelma shall, within 30 days of the date this Order, file with this Commission a copy of the Agreement setting out the terms of the conveyance of Thelma to Mr. Robert Trimble by Mr. Arlen Ferguson.

Done at Frankfort, Kentucky, this 16th day of September,  
1983.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

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Secretary

FOOTNOTES

1. Correspondence from H. E. Mullins, attorney at law, received by the Commission March 31, 1983.
2. Ibid.
3. Correspondence from Willard DeBoard, et al. received by the Commission February 17, 1982.